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Attorneys for Defendant
National Collegiate Athletic
Association, an
Unincorporated Association.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

TAYLOR SMART AND MICHAEL HACKER,
Individually and on Behalf of All
Those Similarly Situated,

Plaintiffs,

v.
NATIONAL COLLEGIATE ASSOCIATION, an
unincorporated association,

Defendant.

JOSEPH COLON, SHANNON RAY,
KATHERINE SEBBANE, KHALA TAYLOR
AND PETER ROBINSON, individually
and on behalf of all those
similarly situated,

Plaintiffs,

v.
NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, an unincorporated
association,

Defendant.

No. 2:22-cv-02125 WBS KJN

CLASS ACTION

**JOINT STIPULATION AND
ORDER MODIFYING SCHEDULE**

No. 1:23-cv-00425 WBS CSK

Judge: The Honorable William B.
Shubb
*Assigned to Hon. Judge Chi Soo
Kim for Non-Dispositive Issues*

1 Whereas, there have only been minor modifications to the
2 case schedule to date, specifically the parties previously agreed
3 to extend the time for Defendant to respond to Plaintiffs'
4 complaint from February 7, 2023, to February 24, 2023, and the
5 parties previously agreed to extend the time by which the parties
6 filed a joint status report from August 14, 2023, to August 21,
7 2023;

8 Whereas, the Court set a deadline of August 2, 2024 for
9 *Smart* Plaintiffs and *Colon* Plaintiffs' (together, "Plaintiffs")
10 motion for class certification, *see Smart*, ECF No. 38 at 4,
11 *Colon*, ECF No. 45 at p. 5;

12 Whereas the Plaintiffs, in order to gather information they
13 believe to be highly pertinent to their claims have, among other
14 things, served extensive third-party discovery, including
15 document subpoenas on all 353 NCAA Division I institutions as
16 well as numerous conferences, and the execution, service,
17 negotiation and compliance with those subpoenas is an extensive
18 undertaking which is still ongoing;

19 Whereas, the parties have agreed to extend the deadline for
20 Plaintiffs' motion for class certification to November 1, 2024;

21 Whereas, the parties have agreed to a briefing schedule for
22 the class certification motion that takes the holidays into
23 account, with Defendant's opposition due on December 20, 2024,
24 and Plaintiffs' reply due on January 31, 2025;

25 Whereas, the parties have agreed to extend other deadlines
26 to accommodate the three-month extension of the class
27 certification deadline, with the parties agreeing to the
28 following deadlines:

- 1 • An extension of the deadline for expert reports from
- 2 January 7, 2025 to April 4, 2025, and for rebuttal
- 3 reports from February 7, 2025 to May 5, 2025;
- 4 • An extension of the close of discovery from March 7,
- 5 2025 to June 6, 2025;
- 6 • An extension of dispositive motions deadline from April
- 7 25, 2025 to July 18, 2025;
- 8 • An extension of the trial setting from September 16,
- 9 2025 to a date in November 2025 that the Court has
- 10 available;
- 11 • An extension of the Final Pretrial Conference from July
- 12 14, 2025 to a date and time that the Court has
- 13 available that is suitable for the revised trial date;

14 Whereas, the Court has stated that any request to change the
15 trial date must be heard by Judge Shubb, *Smart*, ECF No. 38 at 7;

16 IT IS HEREBY STIPULATED by and between the parties, in
17 accordance with Local Rule 144, that

- 18 1. Plaintiffs will file their motion for class
- 19 certification by November 1, 2024, Defendants will file
- 20 their opposition to that motion by December 20, 2024,
- 21 and Plaintiffs will file their reply to that motion by
- 22 January 31, 2025;
- 23 2. The parties will file expert reports by April 4, 2025,
- 24 and will file rebuttal reports by May 5, 2025;
- 25 3. The deadline for the close of discovery will be June 6,
- 26 2025;
- 27 4. The parties will file dispositive motions by July 18,
- 28 2025.

1 IT IS FURTHER STIPULATED that the parties respectfully
2 request that the Court continue the trial date to a date
3 available for the Court in November 2025, and that the Court
4 continue the Final Pretrial Conference to a date suitable for the
5 Court.

6
7 Respectfully submitted, KOREIN TILLERY, LLC

8
9 DATED: May 24, 2024

By: /s/Garrett R. Broshuis

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.


/s/ Michael Lieberman
Michael Lieberman

ORDER

The Court, having considered the parties' stipulation, and cause appearing, hereby orders that:

1. Plaintiffs will file their motion for class certification by November 1, 2024, Defendants will file their opposition to that motion by December 20, 2024, and Plaintiffs will file their reply to that motion by January 31, 2025;
2. The parties will file expert reports by April 4, 2025, and will file rebuttal reports by May 5, 2025;
3. The deadline for the close of discovery will be June 6, 2025;
4. The parties will file dispositive motions by July 18, 2025;
5. The Final Pretrial Conference is reset for **October 6, 2025 at 1:30 p.m.**
6. The trial date is reset for **December 9, 2025 at 9:00 a.m.**

Dated: May 29, 2024


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE